

EMILY WILLIS
HOLCOMBE vs UNITED STATES of AMERICA

May 26, 2020

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1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS

3

4 JOE HOLCOMBE, et al.,

5 Plaintiff,

6 vs.

Civil Action No:
5:18-cv-00555-XR

7 UNITED STATES OF AMERICA,

8 Defendant.

9

10

11

12 REMOTE VIDEOTAPED DEPOSITION OF
13 EMILY WILLIS

14

15 May 26, 2020

16 10:00 a.m.

17

18

19 Remote Videotaped Proceedings
20 Colorado Springs, Colorado

21

22

23

24

25

Cynthia Gage, B.S., M.A., California CSR No. 10492
Notary Public in and for the State of Colorado

PEX 0108-0001

PEX

108

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what is your name?

24 A My name is Emily Willis.

25 Q And you live in Colorado Springs, Colorado;

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1 is that right?

2 A Yes, ma'am.

PEX 0108-0003

When was the last time you
4 communicated with Danielle?

5 A The last time that I communicated with
6 Danielle, I believe it was a few months after they
7 had left. She reached out to me asking if I wanted
8 to meet. She said she had left Devin. She just
9 wanted to see me. She had sent me a picture of
10 Michael. I believe it was in his Halloween costume.
11 And I had just relayed back to her that I wasn't
12 interested in being involved in her life anymore and
13 that was kind of the end of that conversation.

20 Q So how did you first meet the Kelleys?

21 A I met Danielle Kelley working at Texas
22 Roadhouse. We were both seaters at the time. She
23 was pregnant. We just became really good friends.
24 And she had had her baby in the hospital. I went to
25 go visit them. And that's initially when I had met

PEX 0108-0004

1 Devin Kelley.

2 Q Do you know why they were living in
3 Colorado?

4 A Um, like I had mentioned before, I believe
5 from my memory we had talked about how Devin and her
6 parents, Danielle's parents, were just not getting
7 along. So they had moved out here to get away from
8 that. But they had also mentioned something about
9 starting up in the marijuana business, being involved
10 in that.

11 Q Where were Devin and Danielle living when
12 you first met them?

13 A They were living in a trailer just a few
14 minutes away from Texas Roadhouse.

19 Q How did you come to live with the Kelleys?

20 A A few months after I had met them, I was
21 living at the time at my mother's house. It was just
22 time for me to move on with my life. And they were
23 interested in getting an apartment and getting out of
24 their trailer home. And so we had spoken about
25 possibly getting an apartment together, and we ended

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1 up doing that.

2 Q Um, did you know -- how well did you know
3 Danielle before you moved in together?

4 A Not very well.

5 Q How long had you known Danielle at that
6 point in time?

7 A Just a few months.

8 Q Did you know Devin well before you moved in
9 with them?

10 A Not very well. I only knew him when we --
11 when I went over to see them and see their baby.
12 Just kind of in passing I guess I knew him.

13 Q How many times do you think you had met
14 Devin before you moved in with them?

15 A To my memory, I would say three.

16 Q Where -- so you all moved in together. You
17 don't have to give me the address, but what city were
18 you all living in at that time?

19 A The apartment we moved into was here in
20 Colorado Springs.

21 Q And how big of an apartment was it?

22 A It was a two bedroom/two bath apartment.

23 Q While you were living -- how long did you
24 and the Kelleys live together for?

25 A I want to say it was a little over two weeks

PEX 0108-0006

1 before they had left.

2 Q You only lived with them for two weeks?

3 A Yes, ma'am.

4 Q When you were living with them, how often
5 did you see them?

6 A I saw them daily, yeah.

7 Q Did you hang out with them? Spend a lot of
8 time together?

9 A We ate meals together. We would have movie
10 nights together on the couch. We would go grocery
11 shopping together. So we did spend a lot of time
12 together.

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19 Q Did you have personal conversations after
20 you moved in together?

21 A Yes, ma'am.

22 Q What kinds of -- what did you talk about in
23 those conversations?

24 A Primarily we just spoke about Devin and his
25 past. That's when she initially started opening up

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1 to me about, um, their past relationship with each
2 other and, um, his life before he met her and stuff
3 in regards to that.

4 Q What did she tell you about Devin's life
5 before he met her?

6 A Um, she had shared that Devin was previously
7 married, that he -- there was some abuse between him
8 and the woman he was married to and also her child.
9 To my memory, they had also mentioned something about
10 a dog being involved in the abuse. She had mentioned
11 that he had been dishonorably discharged from the
12 military. She had told me about occasions where he
13 would push her down the stairs or hit her, verbally
14 belittle her, just kind of stuff along those lines.

15 Q Were there any specifics incidences --
16 incidents, excuse me, that Danielle told you about
17 where Devin was abusive?

18 A Yes, ma'am. I remember a conversation and
19 when she told me prior to being pregnant with
20 Michael, she had been pregnant before and he had
21 pushed her I believe it was down stairs and she had
22 had a miscarriage after that. I don't have any
23 memory of any other instances.

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14 Q Did Devin ever seem angry?

15 A Daily, yes.

16 Q How did he seem angry?

17 A I'm -- it just seemed like who he was. He
18 just seemed like an angry person, towards Hispanic
19 people, drivers, pretty much anything that didn't go
20 his way, I guess, would upset him.

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5 Q Were you surprised when you heard about the
6 shooting at the church in Texas?

7 A Yes.

8 Q Why were you surprised?

9 A Um, I guess that not just a daily thing that
10 happens. So there's obviously like that initial
11 shock. But I guess the more that I thought about it,
12 I guess it made sense that it was him.

PEX 0108-0011

5 Q Okay. So you mentioned the night with the
6 bruises on the baby's legs. Can you tell me what
7 happened that night?

8 A To my memory, um, Devin was in the restroom
9 whether taking a shower or using the restroom,
10 whatever. Danielle came out and spoke with me and
11 mentioned something with Michael. Then we continued
12 talking about whatever, um, she was mentioning
13 through the text messaging app that we had, told me
14 about the bruises. I went in to see them. Saw them.
15 She had sent me pictures.

16 I remember telling her in the conversation,
17 um, you either need to leave him. We need to go talk
18 to the police. Something needs to happen. It's one
19 thing to be abused yourself by him. That's not
20 anything anyone else can do anything about really.
21 You have to be the person to do that. But Michael is
22 an innocent little baby. Someone needs to be looking
23 out for him. So if you don't do something about it,
24 I am going to.

25 She just kept telling me that she was going

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1 to leave Devin. She was going to leave him. She was
2 going to tell him that what he was doing was not
3 okay. She kept asking me not to tell the police
4 because she was concerned that Michael was going to
5 be taken away from them.

6 Then my god-sister came over. Her and I
7 went out to go swimming that night. When we came
8 back, we fell asleep. The next morning we woke up,
9 and that's when I noticed that they were gone.

10 Q Did you see the bruises yourself or did you
11 just see the photos that Danielle took of them?

12 A I saw the bruises.

13 Q And you said Danielle took the photos --
14 sent you photos of the bruises, and that was the
15 pictures you looked at before, Exhibits 3 and 4?

16 A Yes.

17 Q Then when you were talking with Danielle and
18 telling her to go to the police or leave, the text
19 messages were part of the conversation -- the text
20 messages were shown at least in part in the document
21 that we looked at before, Exhibit 5?

22 A Yes. That was part of our conversation that
23 we had had that night.

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2 Q Um, were you concerned about the baby's
3 safety?

4 A Um --

5 Q After you saw the bruises?

6 A Yes, ma'am.

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12 Q What did you do when you saw that they were
13 gone?

14 A My god-sister was still in the apartment
15 with me. She came over and stayed the night that
16 night. Um, we woke up, realized they were gone, got
17 in my car and drove to the nearest police station so
18 I could file the police report.

PEX 0108-0015

10 Q In the police report -- you said as far as
11 you are aware the police report that was taken is
12 what we have already looked at Exhibit 9?

13 A Yes. As far as I am aware, that is what
14 they had written the day that I had gone. I never
15 saw anything after that. After I went and had given
16 my statement, I never seen any documentation about it
17 after that, so I wouldn't really know the difference.

18 Q Um, do you know if the Colorado police did
19 anything?

20 A I'm not aware of that.

21 Q Did they tell you they were going to do
22 anything after you made your report?

23 A Um, reading the documentation that you had
24 sent me, it says somewhere that the cops had come to
25 the apartment. In my memory, I don't recall that

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1 happening. That's not to say that it didn't happen,
2 um, but I don't -- in my memory, I don't remember
3 anything happening after I made the police report.

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16 Q There was some discussion about whether
17 Devin Kelley might commit a mass shooting. Do you
18 remember that conversation earlier this morning?

19 A When Jocelyn asked me --

20 Q Yes, ma'am.

21 A -- that question? Yes.

22 Q Did the government ever tell you that Devin
23 Kelley escaped from a mental institution?

24 A No, sir.

25 Q Did they tell you that he tried to buy a gun

PEX 0108-0018

1 while in a mental --

2 A I'm sorry. Can you repeat yourself? You
3 cut out.

4 Q Did the government lawyers tell you that
5 Devin Kelley attempted to buy a gun while in a mental
6 institution?

7 A No, sir.

8 Q Did the government attorneys tell you that
9 Devin Kelley was found at the El Paso bus station and
10 brought back to the mental institution under armed
11 guard?

12 A No, sir.

13 Q Did the government tell you that Devin
14 Kelley actually threatened a mass shooting while he
15 was in the Air Force?

16 A No, sir.

17 Q They didn't tell you very much about his
18 past, did they?

19 A No, sir. It was primarily them asking me
20 what I knew about his past.

21 Q So when you answered whether or not you
22 thought Devin Kelley could have committed a mass
23 shooting, you didn't know that actually had
24 threatened one already, did you?

25 A No, sir.

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1 Q I believe you said at the end of the line of
2 questioning with Jocelyn that when you heard that
3 Devin Kelley actually committed a mass shooting in
4 Sutherland Springs you weren't surprised it was him.
5 Did I get that right?

6 A Yes, sir.

7 Q He was the kind of person, looking back,
8 that would have committed a mass shooting; correct?

9 A Yes, sir.

20 MR. SCHREIBER: Okay.

21 THE WITNESS: If I can interrupt. I'm
22 sorry. From what I remember about that, I said I was
23 surprised at first. But now thinking about it, I'm
24 not as surprised that he is the one that did it.

25 ///

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5 Q You answered before that Devin was a
6 persuasive individual; correct?

7 A Yes, sir.

8 Q He asked you -- offered a thousand dollars
9 to you to send him nude photographs; correct?

10 A Yes, he has.

11 Q You weren't persuaded by him, were you?

12 A No, sir.

13 Q You didn't send him any nude pictures?

14 A No, sir.

15 Q And he propositioned you for sex; correct?

16 A Yes, sir.

17 Q And you weren't persuaded to do that, were
18 you?

19 A No, sir.

20 Q You say that Devin was controlling of
21 Danielle; correct?

22 A Yes, sir.

23 Q But you had no information that he ever got
24 her to commit a crime, do you?

25 A Not that I'm aware of, no.

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1 Q When you were talking about controlling, you
2 were talking about dinner choices and what movies to
3 watch; right?

4 A Yes, sir.

5 Q That's far different from committing a
6 felony; isn't it?

7 A Yes, sir.

8 Q At one point, I want to make sure I got this
9 correct, you said they went to the church service
10 from some folks who were standing out in front of
11 Wal-Mart; right?

12 A Yes, sir.

13 Q And Danielle wanted to go a second time or
14 Devin wanted to go a second time?

15 A Devin wanted to go a second time. Danielle
16 did not.

17 Q They didn't go a second time, did they?

18 A Not that I'm aware of, no.

19 Q Danielle Kelley, the night before they moved
20 out, she sent you pictures of her baby with bruises;
21 correct?

22 A Yes.

23 Q Do you think Devin wanted her to do that?

24 A No.

25 Q And she managed to communicate with you by

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1 text message app; correct?

2 A Yes, sir.

3 Q And was something that Devin didn't want her
4 to do but she did anyway; right?

5 A Yes, sir. I don't believe he knew that she
6 was doing it. So I don't know whether or not I have
7 an opinion if he didn't know.

8 Q But he didn't control that conversation, did
9 he?

10 A Not that I'm aware of, no.

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23 Q On this document, Exhibit No. 9, is your
24 police report when you went to the Colorado Springs
25 Police; right?

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1 A Yes, sir.

2 Q And you reported that there was a child in
3 danger; correct?

4 A Yes, sir.

5 Q And you told the police that Danielle told
6 you that Devin was arrested and went to jail;
7 correct?

8 A Yes, sir.

9 Q "She said Devin was kicked out of the Army
10 because of the child abuse charges." Correct?

11 A Yes, sir.

12 Q That's what you told the police; right?

13 A I'm guessing so, yes.

14 Q I am going to go to the bottom of the
15 document now. On the officer's statement, you can
16 read that; correct?

17 A Yes.

18 Q This is page 23563. The officer states he
19 completed a record's search on Devin Kelley. There
20 was a Colorado Driver's License for Devin, which had
21 an address, ran the license plate provided by
22 Miss Willis was registered to Devin Kelley in Texas.
23 Then there is nothing else about any criminal history
24 from Devin or jail history from Devin on that report;
25 correct?

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1 A Correct.

5 Q Did you know that the reason there was no
6 information the police could find about Devin's
7 criminal history is that the Air Force hadn't told
8 them?

11 THE WITNESS: Yeah. I had no idea.

18 Q Do you think it might have hurt your
19 credibility in your report about baby Michael when
20 you told the police that Devin had been in jail and
21 kicked out of the Army and nothing showed up in the
22 background check about that?

25 THE WITNESS: Yes, sir.

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1 BY MR. SCHREIBER:

2 Q Do you think it put baby Michael in danger
3 that you gave a report about Devin and nothing showed
4 up in the background check so the police didn't
5 believe you?

7 THE WITNESS: In my opinion -- I'm sorry.
8 In my opinion, maybe if there was something else in
9 his record when I went and filed the police report
10 something else would have been done, I guess.

PEX 0108-0027

1 REPORTER'S CERTIFICATE

2 I, CYNTHIA GAGE, B.S., M.A., a California
3 Certified Shorthand Reporter No. 10492, and Notary
4 Public within and for the State of Colorado
5 commissioned to administer oaths, do hereby certify:

6 That previous to the commencement of the
7 remote examination, the deponent was duly sworn by me
8 to testify the truth; that said deposition was taken
9 in stenotype remotely and was thereafter reduced to
10 typewritten form by me; and that the foregoing is a
11 true record of the remote testimony given by said
12 deponent;

13 Request to review the transcript was made;

14 I further certify that I am not related to
15 any of the parties to this action or in any way
16 connected with any attorney or counsel for any of the
17 parties to said action, and that I am in no way
18 interested in the outcome of this matter.

19 My commission expires: August 7, 2022.
20
21
22
23

24 CYNTHIA GAGE, B.S., M.A., California
25 Certified Shorthand Reporter,
CSR No. 10492; and Notary Public
within and for the State of Colorado

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